

ZB# 07-25

**North Plank Development
Co.**

4-1-27.1

07-25 North Plank Dev. (INT./use)
673 Little Britain Rd. (4-1-27)

07-25

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 7/9/07

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 4-1-27.1

In the Matter of the Application of

**MEMORANDUM OF
DECISION GRANTING**

NORTH PLANK DEVELOPMENT CO.

USE VARIANCE

CASE #07-25

WHEREAS, NORTH PLANK DEVELOPMENT CO., owner(s) of 673 Little Britain Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for interpretation and/or use variance to permit day spa in a PI zone at 673 Little Britain Road.

WHEREAS, a public hearing was held on July 9, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant was represented by John Lease; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located busy State commercial highway next to other commercial businesses and professional offices.
 - (b) The applicant proposes to put a tenant in the property which will result in a mixed use of office space and the conduct of a salon.
 - (c) The floor space will be 60% or more used by office facilities.

(d) The property is located in a PI zone. Office use is listed as an allowed use in a PI zone.

(e) The use of the property proposed by the applicant is consistent with the allowed uses of buildings in that zone according to New Windsor Town Code.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

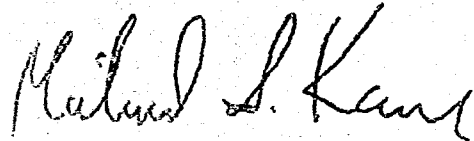
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for interpretation and/or use variance to permit day spa in a PI zone at 673 Little Britain Road as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 9, 2007

A handwritten signature in cursive script, appearing to read "Richard L. Kaur", is written above a horizontal line.

Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: NOVEMBER 8, 2007
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 349.18 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-25

NAME & ADDRESS:

**North Plank Development Co.
5020 Rt. 9W
Newburgh, NY 12550**

THANK YOU,

MYRA

J.F.11/08/07



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #07-25
2800 EXT 101

TYPE:INTERP. AND/OR VARIANCE

TELEPHONE: 565-

APPLICANT:
North Plank Development Co.
5020 Rt. 9W
Newburgh, NY 12550

| | | | |
|----------------|-----------|---------|--------------|
| RESIDENTIAL: | \$ 50.00 | CHECK # | _____ |
| COMMERCIAL | \$ 150.00 | CHECK # | <u>54151</u> |
| INTERPRETATION | \$ 150.00 | CHECK # | _____ |

ESCROW: COMMERCIAL \$500.00 CHECK #54153

~~~~~

| <u>DISBURSEMENTS:</u> |  | MINUTES<br>\$7.00 / PAGE | ATTORNEY<br>FEE |
|-----------------------|--|--------------------------|-----------------|
|-----------------------|--|--------------------------|-----------------|

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>6</u> | PAGES | \$ <u>42.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | _____    | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>3</u> | PAGES | \$ <u>21.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | _____    | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date:062907 \$ 17.82

TOTAL: \$ 80.82 \$ 70.00

~~~~~

ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 150.82

AMOUNT DUE: \$ _____

REFUND DUE: \$ 349.18

Cc:

J.F. 11/08/07

June 11, 2007

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NORTH_PLANK_DEVELOPMENT_CO._ (07-25)

MR. KANE: Request for interpretation and/or use variance to permit day spa in a PI zone at 673 Little Britain Road.

Mr. John Lease appeared before the board for this proposal.

MR. LUNDSTROM: Your relationship to the owners?

MR. LEASE: That's me, I'm North Plank. I built a little office building, I took some pictures and in trying to rent, it's an office building and I've had a terrible time trying to rent it. The day spa, La Image that's on 207 would like to rent it and I took some pictures of the interior and we agreed on 30 year lease, a 20 year lease with a 10 year option and I guess I would like to ask the town if that could be an acceptable use. Sixty percent and I got a floor plan made up by A. J. Coppola's office, 60 percent or so of the building is basically reception area, consultation room and office type space and very similar really identical to the space they already have in the office building on 207 and the other 40 percent would be salon type area.

MR. LUNDSTROM: Could I ask you to put that on the display board so everyone can see it?

MR. LEASE: Sure, I have another one.

MR. KANE: If we have an existing office building and he wants to put a business in it what are we interpreting?

MR. BABCOCK: It's not an office, that's what we're saying.

MR. KANE: Day spa is not an office?

MR. BABCOCK: That's correct. The day spa is a personal service, what we consider a personal service that's why he's here tonight. He has had difficulty renting it out, I can tell you that I've work with John on several occasions on different tenants trying to rent it out and he has yet to get a tenant that fits what we describe as an office. This is like he says probably better than half of it's office area but part of it is not. In the definition of the code a spa is a personal service and personal service is not permitted in this zone, PI zone.

MR. KANE: What's the percentage that's going to be used as office space?

MR. LEASE: I think with the waiting room and the reception area it's about 60 percent and the other 40 percent is salon area, some of the rooms are massage type rooms or consultation rooms, finished office area is about 60 percent.

MR. KANE: What other types of businesses are in the general area where this building is?

MR. LEASE: You have Mr. Rider's office two doors to the left, the attorney's office, and you have WGNV immediately to the left that's who I bought the property from and then New Windsor Meat Packing to the right, meat packing plant to the right and then up behind it I have 9 acres of vacant land behind it and Washington Lake across the street.

MR. KANE: How is a meat packing plant an office?

MR. LEASE: That's pre-existing.

MS. LOCEY: I think they closed, didn't they close?

MR. LEASE: Well, they sold, I'm not sure they sold,

yeah.

MS. MASON: It's still pre-existing.

MR. LEASE: I think what makes it a little different I've had salons and a lot of retail uses that want the building but what makes it different is they took the whole building so it really I think takes away retail aspect.

MR. KANE: Saying this is not going to be the whole building?

MR. LEASE: They took the whole building, 3,500 square feet.

MR. TORPEY: That's not a bad spot.

MR. LEASE: They have to do a pretty expensive buildout because they've got pretty much to do, it's a good size buildout, they have to do a little bit of a buildout, spend some money. I walked through their existing place, they exist right now for the first five years that they've been in business at the office building on 207 I asked if they had any problems, I was told they didn't have any problems which is an NC zone.

MR. KANE: That's not a retail, that's an office building?

MR. LEASE: Office building, they're in Mr. Westage's building.

MR. BABCOCK: Across from the new car wash on 207.

MR. LEASE: So that's why I took pictures of the outside because the outside has an office appearance, you walk into a reception area, consultation and office rooms on the right and salon type area to the left and it really is a very similar layout to what they're

looking to do in my building.

MR. BABCOCK: Mr. Chairman, as you know, when the codes are done not every new or type of business is listed in the code so you have to try to make it fit, that's where the problem is here, so we need a little help making this fit here.

MR. KANE: I think 60 percent being used approximately as office space in there gives us something to work with. What do you think, Eric?

MR. LUNDSTROM: I would concur with that.

MR. KANE: I think it's a good use for the building and I think we've got enough unused buildings in New Windsor.

MR. BABCOCK: Well, my department has no objection to this.

MR. KANE: I think the 60 percent to me makes a big difference.

MR. LUNDSTROM: Would you want to make that a part of the resolution?

MR. KANE: We can do that but we wouldn't be doing that tonight anyway, this is prelim.

MR. TORPEY: Does that go under special permit?

MR. BABCOCK: No, just under interpretation.

MR. KANE: Not something we're going to do tonight, it's got to be--

MS. LOCEY: Oh, no, you're saying because 60 percent or more than half would be considered office that we interpret it as an office type of building?

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MR. BABCOCK: Or this use, the floor plan is acceptable.

MR. KANE: I think it makes sense.

MR. BABCOCK: For an interpretation I think he needs a public hearing also.

MR. KANE: Has to be in the public.

MR. LUNDSTROM: One of the considerations we're having here is that 60 percent of that building would remain as a business type office, is that something that you can live with?

MR. LEASE: Sure, that floor plan and it appears--

MR. BABCOCK: He's talking about a 30 year lease so--

MR. LEASE: That floor plan works out to be so sure.

MR. KANE: I think it makes sense, I don't think it's out of character and that's why we're here to interpret so that's my feeling on it. Any further questions? Parking, Michael, is adequate for the use?

MR. BABCOCK: Yes.

MR. KANE: Under those circumstances I'll accept a motion.

MS. LOCEY: I'll offer a motion the we schedule a public hearing on the application of North Plank Development Company and a request for an interpretation and/or a use variance to permit a day spa in a PI zone all at 673 Little Britain Road.

MR. BABCOCK: No use variance, just an interpretation.

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MS. LOCEY: Interpretation and/or.

MR. BABCOCK: No.

MS. LOCEY: We need to make that determination at the public hearing.

MR. KANE: He still has the right to go for use if that was something he wanted to do, if the interpretation fails they can always turn around and go for a use.

MR. TORPEY: I'll second that.

ROLL CALL

| | |
|---------------|-----|
| MR. LUNDSTROM | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MR. KANE | AYE |

Mr. John Lease appeared before the board for this proposal.

MR. KANE: Request for interpretation and/or use variance to permit day spa in a PI zone at 673 Little Britain Road.

MR. LEASE: I'm John Lease and I'm North Plank Development Company and I have a building at 673 Little Britain Road that I built, it's a five unit office building and I've tried to rent it now for about coming up on 19 months and I have not been successful, I've gotten mostly all retail tenants and the building is not permitted for outright retail. I've had a liquor store, sandwich shop, sandwich chain, outright beauty salons and all a hundred percent retail and haven't been able to rent it. I have not had any response for just outright office. I've had it in the Times Herald Record 21 times, on the internet provided by Costar Loop Net which we get the bulk of our commercial draw from and I have not had office response there for whatever reason. So I've got La Image Day Spa that would like to rent the entire building. And a couple good points I think about them is they would take the entire building and they have agreed to sign a 30 year lease, 60 percent of the building would be finished off, they would have to do some, a lot of interior finish work because it's really a white box right now, they would finish off the entire building. And I walked through their present space, they're in an office building on 207 right now, they've been there for five years, they exist in Westage office building and they would use about 60 percent of it for reception and waiting area and then the rest of the 60 percent really office, meeting, clerical and consultation rooms. I took some pictures of their interior of their present building right now so here's my building just so you guys know what it looks like then their building where they are right now and then they're in the office building right now, they're in the Westage building which they've had no problems existing in that building and their interior fit out, is very office looking in 60 percent of it, there's an interior shot where they have consultation meetings, meeting area, there's a reception room which is a typical reception waiting area and then a good portion of the remaining 30

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percent is a salon type area which looks like a normal salon type area to me. I asked them to clock the traffic flow and it was interesting I found out because people go there for more than one type of treatment, their average client is there for an hour and 20 minutes and I had one of my commercial secretaries at the building on 9W clock it and our average time for our office building is just under an hour, not including Bank of New York which is retail so for the 14,000 square feet of office space we're just under an hour and they're just under an hour and a half so there seems to be less in and out traffic for their type of use and I think it would be in keeping with the neighborhood and fit well in the neighborhood and they would do a nice job in the building.

MR. KANE: For the record, would you explain why he's here?

MR. BABCOCK: It's not listed in the PI zone.

MR. KANE: It's not a listed use.

MR. BABCOCK: That's correct.

MR. KRIEGER: But office is a listed use?

MR. BABCOCK: That's correct.

MR. KRIEGER: The offices are intermingled within this space, is that correct?

MR. LEASE: Yeah, where they have it now on this side it's off to the left and the present area is off to the right, it's all separated, you can go left in the meeting area or right into the salon area, that's how they have it here.

MR. KANE: You were saying about 60 percent is going to be really used for that kind of office consultation

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reception area?

MR. LEASE: Right, every bit of at least 60 percent that whole left wing is that office type finish, very nice too, I went through their present place.

MR. KANE: I still think it's a good fit. At this point I'm going to open it up to the public, see if there's anybody here for the public for this particular hearing? Come on, you've got one to go, you're all here for something. Okay, we'll close the public portion of the meeting seeing that there's nobody here and ask Myra how many mailings we had.

MS. MASON: On June 26, I mailed out 16 addressed envelopes and had no response.

MR. KANE: I'll accept a motion if there's no further questions from the board.

MR. LUNDSTROM: If I may or counsel should we be issuing a use variance or interpretation?

MR. KRIEGER: An interpretation that the proposed use is consistent with the allowed uses in the zone.

MR. LUNDSTROM: With that wording I'd be happy to make that motion.

MS. GANN: I'll second the motion.

ROLL CALL

| | |
|---------------|-----|
| MS. GANN | AYE |
| MR. LUNDSTROM | AYE |
| MS. LOCEY | AYE |
| MR. TORPEY | AYE |
| MR. KANE | AYE |



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

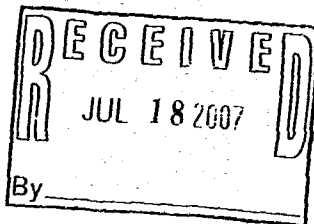
| Date | Invoice # |
|----------|-----------|
| 7/9/2007 | 605 |

Bill To

TOWN OF NEW WINDSOR
555 UNION AVE
NEW WINDSOR, NY 12553

P.O. No.**Terms****Project**

| Issue Date | Description | Rate | Amount |
|------------|---|--------------|---------|
| 6/29/2007 | LEGAL ADS: APPEAL NO 07-25 NORTH PLANK DEV. CO. | 13.82 | 13.82 |
| | 1 AFFIDAVIT | 4.00 | 4.00 |
| | | Total | \$17.82 |



**PUBLIC HEARING
NOTICE
ZONING BOARD OF
APPEALS
TOWN OF NEW
WINDSOR**

PLEASE TAKE NOTICE
that the Zoning Board of
Appeals of the TOWN OF
NEW WINDSOR, New York,
will hold a Public Hearing on
the following Proposition:

Appeal No. (07-25)

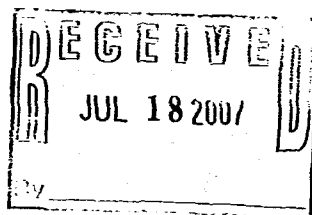
Request of NORTH PLANK
DEVELOPMENT CO.

for a VARIANCE of the
Zoning Local Law to Permit:

Request for interpretation
and/or use variance to permit
Day Spa in a P1 Zone at 673
Little Britain Road (4-1-27.1)

PUBLIC HEARING will
take place on JULY 9, 2007 at
the New Windsor Town Hall,
555 Union Avenue, New
Windsor, New York
beginning at 7:30 P.M.

Michael Kane, Chairman



State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn
disposes and says that she is
the Supervisor of Legal Dept. of the
E.W. Smith Publishing Company; Inc.,
Publisher of The Sentinel, a weekly
newspaper published and of
general circulation in the Town of New
Windsor, Town of Newburgh and City
of Newburgh and that the notice of which
the annexed is a true copy was published
in said newspaper, 1 time (s)
commencing on
the 29th day of June A.D., 2007
and ending on the 29th day of
June A.D. 2007.

Kathleen O'Brien

Subscribed and shown to before me
this 18th day of July, 2007.

Deborah Green

Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065

Commission Expires July 15, 2011

My commission expires _____.

Town of New Windsor

Town Hall

555 Union Ave.

New Windsor, NY 12553

TEL: 845-563-4623 / FAX: 845-563-4697

PURCHASE ORDER

49880

SENTIN

| | |
|---------------------------|-----------|
| DATE | 6/25/2007 |
| PAGE NO. | 1 |
| CHECK NO. | |
| TAX EXEMPT NO. 14-6002338 | |

SIGN & RETURN TO ADDRESS ABOVE

| VENDOR | SHIP TO |
|--|--|
| THE SENTINEL THE E.W. SMITH PUBLISHING CO, INC. PO BOX 406 VAILS GATE, NY 12584 | Zoning Department Town of New Windsor 555 Union Avenue New Windsor, NY 12553-6140 Attn: Myra Mason |

SPECIAL INSTRUCTIONS

MM

| ITEM NO. | ITEM DESCRIPTION | QUANTITY | UNIT PRICE | AMOUNT |
|------------------------------------|---|----------|------------|--------|
| 1 | PUB HEAR NOTICE: 6/29 NO PLANK DEV 10-1010-101620-4-4173 | 1 | 20.00 | 20.00 |
| NO ORDER VALID UNLESS SIGNED BELOW | | | | 20.00 |

DEPARTMENT DIRECTOR

BUSINESS ADMINISTRATOR

DEPARTMENTAL CERTIFICATION

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

SIGNATURE

DATE

[Signature] 6-25-07
COMPTROLLER

VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

NAME (PRINT OR TYPE)

OFFICIAL POSITION

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

VENDOR - SIGN AT X AND RETURN WITH INVOICE

ZBA # 07-25

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#441-2007

06/12/2007

North Plank Dev. Co.

**Received \$ 150.00 for Zoning Board Fees, on 06/12/2007. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

RESULTS OF Z.B.A. MEETING OF:

July 2, 2007

PROJECT: North Plant Dev.

ZBA # 07-25

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) LU S) G VOTE: A _____ N _____.

GANN A
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y _____ N _____.

No Public Comment

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

AFFIDAVIT OF SERVICE BY MAIL


X

MYRA L. MASON, being duly sworn, deposes and says:

That on the 26TH day of JUNE, 2007, I compared the 16 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason, Secretary

26th day of June, 2007


Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/12

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. (07-25)

Request of NORTH PLANK DEVELOPMENT CO.

for a VARIANCE of the Zoning Local Law to Permit:

Request for interpretation and/or use variance to permit Day Spa in a PI Zone at 673 Little Britain Road (4-1-27.1)

PUBLIC HEARING will take place on JULY 9, 2007 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

June 12, 2007

North Plank Development Co.
John Lease, III
5020 Rt. 9W
Newburgh, NY 12550

Re: 4-1-27.1 ZBA#: 07-25 (16)

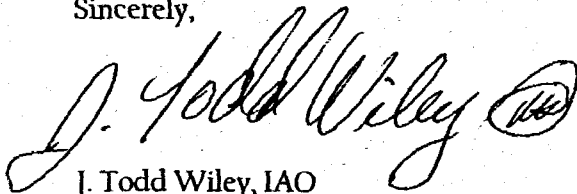
Dear Mr. Lease:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00 minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

4-1-12.2
NEWBURGH WATER SUPPLY
CITY HALL
NEWBURGH, NY 12550

4-1-22.1
R-FAM LLC
655 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

4-1-24
SUNSET CREST REALTY CORP.
PO BOX 2307
NEWBURGH, NY 12550

4-1-25
JOERG KLEBE
PO BOX 2307
NEWBURGH, NY 12550

4-1-26.2
JOHN J. LEASE, III
5020 ROUTE 9W
NEWBURGH, NY 12550

4-1-28.12
VEDANTA REALTY CORP.
677 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

4-1-29.2
HENRY &
HELGA SCHEIBLE
PO BOX 4162
NEW WINDSOR, NY 12553

4-1-34.1
GRETAGMACBETH, LLC
617 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

4-1-66.2
LITTLE BRITAIN DEV. CO. LLC
5020 ROUTE 9W
NEWBURGH, NY 12550

4-1-70
ELAINE & FRANK PIETRZAK
14 STEELE RD.
NEW WINDSOR, NY 12553

4-1-71
STEELE RD. REALTY LLC
10 STEELE RD.
NEW WINDSOR, NY 12553

5-1-2
STEPHEN CLARK
683 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

5-1-4
JACQUELINE &
FRANK CROMWELL
687 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

5-1-5
BARRY & ROSSAE QUIMET
689 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

5-1-7,8
STANLEY & MARCIA KISSEL
695 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

5-1-11
HENRY SCHEIBLE
PO BOX 4162
NEW WINDSOR, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-08-07

FOR: ESCROW 07-25

FROM:

North Plank Development Co.
5020 Rt. 9W
Newburgh, NY 12550

CHECK FROM:
SAME

CHECK NUMBER: 54153

TELEPHONE: 565-2800 X 101

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Ferraro 6-11-07
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 06-12-07 mm

DATE: 06-12-07 PROJECT NUMBER: ZBA# 07-25 P.B. # _____

APPLICANT NAME: NORTH PLANK DEVELOPMENT

PERSON TO NOTIFY TO PICK UP LIST:

North Plank Development Co. (JOHN LEASE III)

5020 Rt. 9W

Newburgh, NY 12550

TELEPHONE: 565-2800 X 101

TAX MAP NUMBER: SEC. 4 BLOCK 1 LOT 27.1
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 673 LITTLE BRITAIN ROAD
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 54152

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

6/7/07
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

e-mail address: John 3 e John Lease Rollers

Phone Number: (845) 565-2800 x101 .com

Fax Number: (845) 565-4133

(Name) North Plank Development LLC

(Address) 5020 Rt 9W Newburgh, NY 12550

II. Applicant:

e-mail address: _____

Phone Number: (845) 742-7201

Fax Number: ()

(Name) John Lease (pres/member)

(Address) same

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()

Fax Number: ()

(Name) same

(Address) _____

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

(Name) same

(Address) _____

V. Property Information:

Zone: P-I Property Address in Question: 673 Little Britain Road

Lot Size: 155x139 Tax Map Number: Section 4 Block 1 Lot 27.1

a. Is pending sale or lease subject to ZBA approval of this Application? YES

b. When was property purchased by present owner? 2004

c. Has property been subdivided previously? NO If so, When: -

d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section 1, Table of 1 Regs., Col. P-1 Zone

Describe proposal:

3500 sq. ft. brick office
Building (New construction) to be rented to one
tenant as a "Day Spa". Tenant currently rents
in New Windsor in an office building on Rt 207.

- VII.** The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

Property has been actively marketed on CoStar, Loopnet
+ CoStar MLS for 19 months as an office only, 17 showings
to date; no tenants, 3 retail tenants wanted the
building but were rejected by landlord. This use is
60% office / waiting / consultation room + 40%
"Salon" type area. Single user, minimum traffic

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Building is already constructed, no changes to outside of building so new tenants will not effect the Neighborhood. Has existed for 5 years with no problems in an office building. Property marketed as office only for 19 months so some flexibility is needed to get building rented. Variance is not substantial because it does not affect traffic/parking/utilities/water or sewer usage and operating hours are similar to an office building. The difficulty was not self-created, an office building was built but the market just has a poor demand in that location.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|---------|---------------------|----------------------------------|-----------------------------|
| Sign #1 | | | |
| Sign #2 | | | |
| Sign #3 | | | |
| Sign #4 | | | |

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section zone P-I

- (b) Describe in detail the proposal before the Board:

to Allow "La-Image Day Spa" in a
office Building.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

All work completed to office specification.

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

7 day of June 2007;

KENNETH W. DAVIES, JR.
NOTARY PUBLIC
ORANGE COUNTY, NEW YORK
01DA4628056
EXPIRES 12/31/07

Signature and Stamp of Notary

Owner's Signature (Notarized)

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

| | | | |
|--|------------------------|-----------------|------------------------|
| 1. APPLICANT /SPONSOR | North Plank Dev. G LLC | 2. PROJECT NAME | 673 Little Britain Rd. |
| 3. PROJECT LOCATION: | | | |
| Municipality | New Windsor | County | Orange. |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) | | | |
| 673 Little Britain Rd. New Windsor, NY. 12553. | | | |
| 5. IS PROPOSED ACTION: | | | |
| <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration | | | |
| 6. DESCRIBE PROJECT BRIEFLY: | | | |
| New Brick office building to be used as a day pay. | | | |
| 7. AMOUNT OF LAND AFFECTED: | | | |
| Initially <u>1/2</u> acres Ultimately <u>1/2</u> acres | | | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? | | | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly | | | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? | | | |
| <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other | | | |
| Describe: office / manufacturing / Residential. | | | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? | | | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals | | | |
| New Windsor ZBA - for interpretation | | | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? | | | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval | | | |
| Bldg. Permit + C.O. | | | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? | | | |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE | | | |
| Applicant/sponsor name: | | Date: 6/7/07 | |
| Signature: John Leese III | | | |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

| | |
|--|--|
| A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: | |
| D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly | |

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

| | |
|---|--|
| <input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration. | |
| <input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination: | |
| <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | |
| Name of Lead Agency | |
| <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer |
| <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> |
| Signature of Responsible Officer in Lead Agency | Signature of Preparer (If different from responsible officer) |
| <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | |
| Date | |



TOWN OF NEW WINDSOR

(845) 563-4615 (MYRA MASON)

ZONING BOARD APPLICATION PACKAGE



PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**


LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

| | |
|--------------|--------|
| 1-10 NAMES | 25.00 |
| 11-20 NAMES | 35.00 |
| 21-30 NAMES | 45.00 |
| 31-40 NAMES | 55.00 |
| 41-50 NAMES | 65.00 |
| 51-60 NAMES | 75.00 |
| 61-70 NAMES | 85.00 |
| 71-80 NAMES | 95.00 |
| 81-90 NAMES | 105.00 |
| 91-100 NAMES | 115.00 |

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PAGE 1

 **COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).**

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

ZONING BOARD OF APPEALS

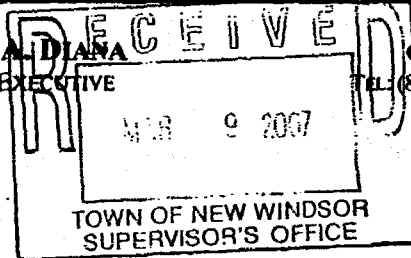
**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA
COUNTY EXECUTIVE

124 MAIN STREET

GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.
COMMISSIONER



5 March, 2007

POLICY REMINDER**REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

NEW POLICY GUIDEBOOK ATTACHED

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at www.orangecountygov.com/planning.

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: June 4, 2007

**APPLICANT: North Plank Development Co.
673 Little Britain Road
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/23/07

FOR : Day Spa

LOCATED AT: 673 Little Britain Road

ZONE: P-Sec/Blk/ Lot: 4-1-27.1

DESCRIPTION OF EXISTING SITE: Existing commercial building

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Day Spa is not permitted in a P-I zone.**


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: P-I USE: Bulk Tables See uses permitted by right.

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

6/6/07 To give applicat to John Lease

IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted. MAY 23 2007
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit fee.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2007-384

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP A LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises North Plank Dev. Co.
Address Ref. 673 Little Britain Rd Phone # (845) 742-7201
Mailing Address 5020 Rt 9W Newburgh, NY 12550 Fax # 565-4133
Name of Architect Cipolla
Address _____ Phone 561-3559
Name of Contractor Storm King

Address _____

Phone 565-6200

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer.

[Signature]
(Name and title of corporate officer)

PAID

MAY 18 2007

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated P-I Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 4 Block 1 Lot 2701

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy

Office/New

b. Intended use and occupancy

DAY SPA

5. Nature of work (check if applicable)

☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot?

Yes

(ZONING USE INTERPRETATION)

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units:

Number of dwelling units on each floor _____

Number of bedrooms _____

Baths _____

Toilets _____

Heating Plant: Gas _____

Oil _____

Electric/Hot Air _____

Hot Water _____

If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

ZONING BOARD

10. Estimated cost _____

PAID

Fee

\$ 50.00

OK # 14407

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychauer
New Windsor Town Hall
888 Union Avenue
New Windsor, New York 12553
(845) 883-4818
(845) 883-4888 FAX

Blg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and codes and that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Owner's Signature)

5020 Rt 9W

(Address of Applicant)

Newburgh, NY 12550

(Owner's Address)

PLOT PL

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

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APPLICANT

